IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number:	10/737,064
Filing Date:	12/16/2003
Applicant(s):	Raymond Hornback, Jr.
Entitled:	COMPONENTIZED APPLICATION SHARING
Examiner:	Sathyanaraya V. Perungavoor
Group Art Unit:	2624
Attorney Docket No.:	LOT920030076US1 (7321-030U)

TRANSMITTAL OF APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is Appellant's Appeal Brief in support of the Notice of Appeal filed November 27, 2007. As this Appeal Brief has been timely filed within the two-month shortened statutory period, no extension of time under 37 C.F.R. § 1.136 is required. Notwithstanding, please charge any shortage in fees due under 37 C.F.R. §§ 1.17, 41.20, and in connection with the filing of this paper, including extension of time fees, to Deposit Account **12-2158**, and please credit any excess fees to such deposit account.

Date: January 28, 2008   Respectfully submitted,

                                          /Steven M. Greenberg/
                                          _____
                                          Steven M. Greenberg
                                          Registration No. 44,725
                                          Customer Number 46321

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Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed November 27,

2007, wherein Appellants appeal from the Examiner's rejection of claims 1 through 8 and 10

through 14.

I. REAL PARTY IN INTEREST

This application is assigned to International Business Machines Corporation by

assignment recorded on December 16, 2003, at Reel 014809, Frame 0916.

II. RELATED APPEALS AND INTERFERENCES

Appellant is unaware of any related appeals and interferences.

III. STATUS OF CLAIMS

Claims 1 through 8 and 10 through 14 are pending in this Application and have been twice rejected. It is from the multiple rejections of claims 1 through 8 and 10 through 14 that this Appeal is taken.

IV. STATUS OF AMENDMENTS

The claims were amended first in the Amendment of July 30, 2007 and subsequently in an Amendment dated October 29, 2007 in response to the imposition of the Final Office Action dated August 27, 2007.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claims 1 through 8 and claims 10 through 140 are respectively directed to a componentized application sharing system configured for use with a shared application host and an application sharing system. In the Appellants' invention, a shared application server can be configured to interoperate with pluggable image processing logic based upon the requirements of a shared application hosted in the shared application server. Where the hosted shared application requires high fidelity imaging, pluggable image processing logic can be selected to achieve lossless image capturing and compression. By comparison, where the shared application requires high transmission speeds regardless of image fidelity, image processing logic can be selected to achieve high image compression ratios and small image packaging sizes. In this way,

the characteristics of the shared application can be considered in configuring the shared application server.

With reference to independent claim 1 and in accordance with the Appellants' invention, a system for selectively blocking unsolicited instant messages can include multiple different pluggable image processing modules. (See Figure 1, Blocks 170A-190A, 170B-190B, 170N-190N, paragraph [0020], lines 1-7). Each of the different pluggable image processing modules can conform to a corresponding single interface expected by the application sharing module. (See Figure 1, Block 140, paragraph [0019], lines 5-9) Each of the different pluggable image processing modules further can be selectable to meet requirements of a shared application hosted in the shared application host. (See Figure 1, Block 130, paragraph [0019], lines 5-9). The system also can include a communicative coupling between the application sharing module and a selected one of the different image processing modules (See Figure 1, Block 140, paragraph [0019], lines 1-5).

With reference to independent claim 8, an application sharing system can be provided. The system can include an application sharing host including selection logic programmed to select an application sharing strategy ranging from high image fidelity to high speed image transmission (See Figure 1, Block 150, paragraph [0025], lines 5-16). The system also can include multiple shared application viewers coupled to the host over a data communications network (See Figure 1, Blocks 130, 120, paragraph [0017], lines 5-8). Finally, the system can include a componentized application sharing module disposed in the application sharing host (See Figure 1, Block 110, paragraph [0017], lines 8-12).

VI. ISSUES TO BE REVIEWED ON APPEAL

1.   Claims 10 through 14 properly depend upon Claim 8.

2.   Claims 1 through 4, 8 and 10 through 12 are not anticipated under 35 U.S.C. § 102(e) by United States Patent Application Publication 20030007703 by Roylance.

3.   Claims 1, 2 and 7, 8 and 10 are not anticipated under 35 U.S.C. § 102(b) by United States Patent No. 6,563,955 to de Quieroz.

4.   Claims 6 and 14 are not unpatentable under 35 U.S.C § 103(a) over de Queiroz in view of U.S. Patent No. 6,055,017 to Shen et al. (Shen) and also over Roylance in view of Shen.

5.   Claims 5 and 13 are not unpatentable under 35 U.S.C § 103(a) over de Queiroz in view of Jong Whan Jang, *Performance Evaluation of Scene Change Detection Algorithms*, in Communications, Vol. 2., at 841-844 (IEEE 1999) (Jang) and also over Roylance in view of Jang.

VII. THE ARGUMENT

THE EXAMINER'S OBJECTIONS TO CLAIMS 10 THROUGH 14 FOR IMPROPER DEPENDENCE ON CANCELLED CLAIM 9

In the Amendment dated October 29, 2007, Applicants amended each of claims 10 through 14 to depend from claim 8 and not from claim 9. The Examiner provided no indication in the Advisory Action dated November 21, 2007 that these amendments to claims 10 through 14 were not entered into the record.

For convenience of the Honorable Board in addressing the rejections, claims 2 through 6 and 10 through 14 stand or fall together with independent claims 1 and 8, respectively.

Roylance fails to teach different pluggable image processing modules being selectable to meet requirements of a shared application hosted in a shared application host. Presently, claim 1 reads as follows:

> 1.   A componentized application sharing system configured for use with a shared application host, the system comprising:
> a plurality of different pluggable image processing modules, each of said different pluggable image processing modules conforming to a corresponding single interface expected by the application sharing module, each of said different pluggable image processing modules **being selectable to meet requirements of a shared application hosted in the shared application host**; and,
> a communicative coupling between the application sharing module and a selected one of said different image processing modules.

The Appellant noted in page of the Amendment of October 29, 2007 in response to the Final Office Action dated August 27, 2007 that Roylance fails to teach the selection of an image processing module based upon the requirements of a shared application. Specifically, the Appellant stated,

> Applicants' claims 1 and 8 required different pluggable image processing modules to be selected to meet requirements of a shared application hosted in a shared application host in contrast to the data itself (Roylance) or the serial transmission of data (de Queiroz).

> In response, the Examiner in the Advisory Action dated November 21, 2007 referred to

paragraph [0035] of Roylance for this teaching and provided the counter-argument,

[A]s can be seen from para. 0035 of Roylance the processing is determined based on the messages which are generated [in] accordance to processing intent and routed in accordance to the processing intent, see also para. 0032.

Examiner's arguments are misguided. Paragraph [0035] of Roylance states in its entirety

[0035] In step 504, a first message is provided to a first logic module 306. Next in step 506, the first logic module 306 processes the data associated with the first message. Either upon completion or during processing of the first message image data, as depicted in step 508, a subsequent message can be provided to another logic module 306. This subsequent message identifies image data to be processed by the other logic module. In step 510, the data associated with the subsequent message is processed by the other logic module 306. As depicted by arrow 512, steps 508 and 510 may be repeated as necessary for a plurality of logic modules 306 that form the image processing pipeline.

As it will be apparent from paragraph [0035], there is no selection of an image processing module in order to meet the requirements of a shared application. In fact, there is no mention anywhere within Roylance of a "shared application" or the sharing of an application. These terms are part and parcel of the independent claims and the Examiner has failed to point out with particularity where in Roylance these terms can be found.

Paragraph [0032] of Roylance fails to cure the deficiencies. The entirety of paragraph [0032] of Roylance has been reproduced for the convenience of the Honorable Board.

[0032] A message passing scheme or protocol, can be use to pass control and/or data information between the various bus interfaces 304 and memory controller/bus interface 300. The context of an exemplary message 400 is depicted in FIG. 4. Here, message 400 includes an optional source interface identifier 402, a destination interface identifier 404, a bus identifier 406, and a data field 408, which may include image data, data indexes, address information, e.g., associated with image data, and other data, such as, control data. For example, address information in data field 408 may define the location of image data in memory 204. Using message 400, each of the bus interfaces 304 and memory controller bus interface 300 may monitor bus traffic for messages directed to their respective logic module/memory, for example, based on information provided in destination interface identifier 404.

Thus, paragraph [0032] only stands for the proposition of message passing and provides no insight into shared applications or image processing modules being selected in order to meet the requirements of a shared application as set forth in the plain language of Appellants' claims. Accordingly, Appellants respectfully request the reversal of all of the Examiner's rejections based upon this inherent deficiency of Roylance.

THE REJECTION OF CLAIMS 1, 2 AND 7, 8 AND 10 UNDER 35 U.S.C. § 102(B) BY UNITED STATES PATENT NO. 6,563,955 TO DE QUIROZ, AND ALSO OF CLAIMS 5, 6, 13 AND 14 UNDER 35 U.S.C. § 103(A) OVER DE QUIROZ IN VIEW OF SHEN AND DE QUIROZ IN VIEW OF JANG.

For convenience of the Honorable Board in addressing the rejections, claims 2, 5, 6, 7, 8, 10, 13 and 14 stand or fall together with independent claims 1 and 8, respectively.

De Quiroz fails to teach different pluggable image processing modules being selectable to meet requirements of a shared application hosted in a shared application host. On page 7 of Appellants' Amendment of October 29, 2007, Appellants argued:

> De Querioz discloses a method and apparatus for compressing digital image data to improve the efficiency of serial data transmission. In de Querioz, image transmission is accomplished by providing multiple image processing modules, and then selecting the module that will process the entirety in the most efficient manner, **based upon the content of the data contained in the image.**

Appellants further argued on page 8 of the Amendment of October 29, 2007,

> [I]n de Queiroz, an image processing module is selected to achieve optimal serial transmission of data. The Applicants' claims 1 and 8 required different pluggable image processing modules to be selected to meet requirements of a shared application hosted in a shared application host <u>in contrast</u> to the data itself (Roylance) <u>or the serial transmission of data</u> (de Queiroz).

The Examiner in the Advisory Action of November 21, 2007, however, provided NO response to Applicants arguments. Further, Examiner waited until the Advisory Action of November 21, 2007 to substantively address Appellants' arguments from the original Amendment of July 30, 2007.

Nevertheless, as the Examiner has failed to provide even the slightest substance to the stated rejections based upon Roylance and de Querioz and further since both references wholly lack recited elements of Appellants' independent claims, the Examiner has failed to set forth either a prima face case of anticipation, or a prima facie case of obviousness. Accordingly, Appellants respectfully request the reversal of all of the Examiner's rejections based upon this inherent deficiency of de Querioz.

In view of the foregoing, Appellants respectfully submit that the Examiner's rejections under 35 U.S.C. § 103(a) based upon the applied prior art are not viable. Appellants, therefore, respectfully solicit the Honorable Board to reverse the Examiner's rejections under 35 U.S.C. §§ 102(b), 102(e) and 103(a).

Date: January 28, 2008   Respectfully submitted,

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VIII. CLAIMS APPENDIX

1.   (Previously Amended)   A componentized application sharing system configured for use with a shared application host, the system comprising:

    a plurality of different pluggable image processing modules, each of said different pluggable image processing modules conforming to a corresponding single interface expected by the application sharing module, each of said different pluggable image processing modules being selectable to meet requirements of a shared application hosted in the shared application host; and,

    a communicative coupling between the application sharing module and a selected one of said different image processing modules.

2.   (Original)   The system of claim 1, wherein said pluggable image processing modules comprises a plurality of different pluggable image compression modules.

3.   (Original)   The system of claim 1, wherein said pluggable image processing modules comprises a plurality of different pluggable image capturing modules.

4.   (Original)   The system of claim 1, wherein said pluggable image processing modules comprises a plurality of different pluggable image transmission modules.

5.   (Original)   The system of claim 1, wherein said pluggable image processing modules comprises a plurality of different pluggable image change detection modules configured to trigger image updates responsive to changes in portions of a shared application image.

6.   (Original)   The system of claim 1, wherein said pluggable image processing modules comprises a plurality of different pluggable image region selection modules configured to process selected image sub-partitions of shared application imagery, each of said different pluggable image region selection modules selecting and ordering processing of said selected image sub-partitions differently.

7.   (Original)   The system of claim 2, wherein said different image compression modules comprise image compression logic programmed to produce one of a smallest possible image size to provide a highest possible rate of transmission for a compressed image, a lowest level of image resolution loss to provide a highest level of image fidelity for a compressed image, and a moderate image size to provide an intermediate rate of transmission and an intermediate level of image fidelity for a compressed image.

8.   (Previously Amended)   An application sharing system comprising:

an application sharing host comprising selection logic programmed to select an application sharing strategy ranging from high image fidelity to high speed image transmission;

a plurality of shared application viewers coupled to said host over a data communications network; and,

a componentized application sharing module disposed in said application sharing host.

9.   Cancelled.

10. (Previously Amended)   The system of claim 8, wherein said componentized application sharing module comprises a plurality of different pluggable image compression modules and an integration with only one of said modules based upon an application strategy selected through said selection logic.

11. (Previously Amended)   The system of claim 8, wherein said componentized application sharing module comprises a plurality of different pluggable image capturing modules and an integration with only one of said modules based upon an application strategy selected through said selection logic.

12. (Previously Amended)   The system of claim 8, wherein said componentized application sharing module comprises a plurality of different pluggable image transmission modules and an integration with only one of said modules based upon an application strategy selected through said selection logic.

13. (Previously Amended)   The system of claim 8, wherein said componentized application sharing module comprises a plurality of different pluggable image change detection modules configured to trigger image updates responsive to changes in portions of a shared application image, and an integration with only one of said modules based upon an application strategy selected through said selection logic.

14.   (Currently Amended) The system of claim 8, wherein said componentized application

sharing module comprises a plurality of different pluggable image region selection modules

configured to sub-partition an image of a shared application and to process each sub-partition

separately when triggering image updates for said shared application, and an integration with

only one of said modules based upon an application strategy selected through said selection logic

IX. EVIDENCE APPENDIX

No evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the Examiner has been relied upon by Appellant in this Appeal, and thus no evidence is attached hereto.

X. RELATED PROCEEDINGS APPENDIX

Since Appellant is unaware of any related appeals and interferences, no decision rendered by a court or the Board is attached hereto.